

Amendment
Serial No. 10/529,398
Attorney Docket No. 052278

REMARKS

Claims 1-10 are pending in the present application and are rejected. Claims 1-10 are herein amended. Applicants thank the Examiner for the courtesies extended in the Telephone Interview of July 31, 2007. Applicants' Statement of the Substance of the Interview is incorporated herein.

Applicants' Response to Claim Objections

Claims 1-10 were objected to due to several informalities. The Office Action objects to the lack of line indentations, double spacing, use of the pronouns "its" and "them," and the use of the term "arc-like." In response, Applicants herein amend the claims in order to overcome these objections, and the rejections under 35 U.S.C. §112, second paragraph, discussed below. Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §112

Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is the position of the Office Action that several phrases in the claims are unclear. In particular, it is the position of the Office Action that the claim phrases which recite the word "deviating" are unclear. Therefore, in response, Applicants herein amend the claims to recite the claimed structure more clearly. For example, Applicants herein amend claim 1 to recite that "the

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protrusions are disposed in a position outside said external fitting area in an axial direction of the bushing.” Similarly, Applicants herein amend claim 2 in order to recite that “the protrusions are disposed on an opposite side of said external fitting area, relative to said bellows part of said boot body.”

Additionally, it is the position of the Office Action that claim 3 is indefinite, since it is unclear how the protrusions can be “at the upset part.” Accordingly, Applicants herein amend claim 3 in order to recite that the protrusions are “at a same axial position as the upset part in the axial direction of the bushing.” Applicants respectfully submit that these amendments provide sufficient definiteness and clarity such that the rejections under 35 U.S.C. §112 and the objections to the claims should be withdrawn. Favorable reconsideration is respectfully requested.

Applicants’ Response to Claim Rejections under 35 U.S.C. §102

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Devers (U.S. Patent No. 6,672,596).

It is the position of the Office Action that Devers discloses the invention as claimed. Devers is directed at a uniform compression seal adaptor. The seal adaptor assembly 40 is disposed between a bellows seal 38 and a housing 12. As illustrated in Figures 1 and 3, the annular body 41 of the seal adaptor assembly 40 has three cup-like inserts 44, which are inserted into pockets 43 of the seal adaptor assembly 40. Wall segment 42e is mated to boot seal 38, and annular ribs 50 protruding from wall segment 42b of the seal adaptor assembly 40 are mated to

grooves formed in housing 12. The seal adaptor assembly 40 is retained to the housing 12 by the clamp ring 48. Annular ribs 50 of the seal adaptor assembly 40, and the corresponding grooves in the housing 12, are formed directly below the clamp ring 48. In other words, the annular ribs 50 and the grooves are formed inside the clamping area, relative to an axial direction of the seal adaptor assembly 40.

It is the position of the Office Action that the seal adaptor assembly of Devers anticipates the invention as claimed. In response, Applicants respectfully submit that the amended claims are not anticipated by Devers. In particular, Applicants submit that Devers does not disclose or suggest that “the protrusions are disposed in a position outside said external fitting area in an axial direction of the bushing.” The Office Action identifies the external fitting area of Devers as “the external area of 40 contacting 38.” See page 7, line 4. Thus, the analogous external fitting area of Devers is regarded as the entire length of wall segment 42e, illustrated in Figure 4. As also illustrated in Figure 4, the annular ribs 50 and corresponding grooves are formed directly below clamping ring 48 and wall segment 42e. Thus, the annular ribs 50 and corresponding grooves are formed within the external fitting area, relative to the axial direction of the bushing (left-to-right in Figure 4).

Therefore, Applicants respectfully submit that Devers does not disclose or suggest the invention as recited by amended claim 1. Additionally, for similar reasons, Applicants respectfully submit that Devers does not disclose or suggest the invention as recited by amended claims 2 and 5, and all claims dependent thereon.

In the telephone interview of July 12, 2007, the Examiner acknowledged that the annular ribs of Devers are within the external fitting area of Devers. However, the Examiner requested that the Applicants comment on why it would not have been obvious to modify Devers by moving the annular ribs outside the external fitting area.

In response, Applicants note that a bushing having protrusions disposed within the external fitting area has the problem that it is difficult for the bushing to expand outwardly because the outer peripheral surface of the bushing is constrained by the large-diameter attachment part. Accordingly, it is difficult to mount the bushing to the outer housing. Moreover, in a case where the boot proper is formed from a material of a higher hardness than the bushing, in order to enhance the durability of the bellows part, it is more difficult for the area of the protrusions to expand because the outer periphery of the bushing is constrained by the large-diameter attachment part having a high rigidity. Thus, mountability is impaired.

On the other hand, when the protrusions are positioned outside the external fitting area in an axial direction, upon mounting the bushing on the outer housing, the protrusion area can expand without being constrained by the large-diameter attachment part. Thus, it is easy to insert the outer housing into the bushing. Therefore, the axial positioning can be performed without impairing the mountability to the outer housing.

In *In re Dailey*, the court held that the configuration of the claimed product was a matter of choice which a person of ordinary skill in the art would have found obvious, absent persuasive evidence that the particular configuration of the claimed product was significant. 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, Applicants respectfully submit that the claimed

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configuration of the bushing is significant, for the reasons discussed above. Therefore, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to modify Devers in order to provide for protrusions which are outside the external fitting area in an axial direction. Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Devers in view of Furuta (U.S. Patent Application Publication No. 2003/0069075).

It is the position of the Office Action that Devers discloses the invention as claimed, with the exception of teaching that the bushing is softer than the boot body. The Office Action relies on Furuta to provide this teaching. In response, Applicants respectfully submit that claim 8 is patentable due to its dependency on amended claim 1, which Applicants submit is patentable for the reasons discussed above. Favorable reconsideration is respectfully requested.

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devers in view of Wolf (U.S. Patent Application Publication No. 2004/0056434).

It is the position of the Office Action that Devers discloses the invention as claimed, with the exception of teaching that the lobe portions of the bushings comprise lateral strut walls, slanting towards the central strut wall. The Office Action relies on Wolf to provide this teaching. In response, Applicants respectfully submit that claims 9 and 10 are patentable due to their

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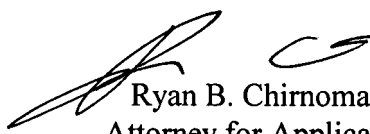
dependency on amended claim 1, which Applicants submit is patentable for the reasons discussed above. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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